

Remarks

Reconsideration of this Application is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

In response to Examiners comments concerning references cited in the specification of the present application, an Information Disclosure Statement and Form-1449 were filed with the U.S.P.T.O. on January 8, 2003.

Oath/Declaration

The Office Action also stated that the oath or declaration was defective and a new oath or declaration in compliance with 37 C.F.R. § 1.67(a) was required. According to the Office Action, "the oath or declaration is defective because it does not contain reference to priority document 60/196,472 filed 4-12-2000, said document being claimed for priority benefit in the line of the instant application." (Paper No. 9, page 3)

Applicants assert that the oath or declaration as filed complies with 37 C.F.R. § 1.63. Nowhere in 37 C.F.R. 163 is there a requirement for an oath or declaration to refer to U.S. provisional priority applications. Consequently, the priority document need not be included in the oath or declaration and, as such, Applicants need not file a new oath or declaration.

Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Specification

The abstract was objected to as it contained the word "novel." Applicants have amended the abstract to remove the word "novel." Accordingly, it is respectfully believed that the objection is now moot.

Rejections under 35 U.S.C. § 102

Claims 27, 34 and 38 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,194,425 ("the '425 patent"). Applicants respectfully traverse this rejection.

The Office Action states that the '425 patent:

teaches a complex comprising an MHC encoded antigen presenting glycoprotein and an effector (see column 3) wherein the MHC can be MHC Class II (see column 5, lines 60-68) loaded an autoimmune antigenic peptide (see column 10, lines 30-50) and wherein the effector which is covalently conjugated to the MHC component (see column 5, lines 40-43) and includes antibodies to T cell surface molecules (see column 13, lines 5-35). That the MHC component would be attached to the carboxyl terminus of the antibody is inherent because the antigen binding site of the antibody is at the amino terminus of the antibody and would need to be kept free for binding a cell surface antigen.

(Paper No. 9, page 4).

Federal Circuit decisions emphasize that an anticipatory inherent feature or result must be consistent, necessary, and inevitable, not merely possible or probable. *Transclean Corp. v. Bridgewood Services, Inc.*, 290 F.3d 1364, 1373, 62 U.S.P.Q. 2d 1865 (Fed. Cir.

2002). Applicants assert that the '425 patent fails to teach that the MHC component must be attached to the carboxyl terminus of the antibody. The Examiner implied that attachment at a site other than the carboxyl terminus would result in a non-functional complex. However, the Examiner failed to give any scientific reasoning why there is no other attachment site besides the carboxyl terminus which would result in a functional complex.

In support of the assertion that the MHC complex may be attached at a site other than the carboxyl terminus, Applicants submit herewith U.S. Patent 6,015,884 ("the '884 patent"). The '884 patent discloses a complex wherein two MHC/peptide complexes are attached at the amino terminus of an antibody. *See*, for example, Fig. 1C and Fig. 1D. The '884 patent demonstrates attachment at a site other than the carboxyl terminus. Thus, it is not consistent, necessary, and inevitable that the complex of the '425 patent contain MHC attached at the carboxyl terminus of the antibody. Therefore, the '425 patent does not anticipate the present invention.

Applicants believe that claims 27, 34 and 38 are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

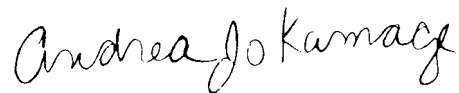
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite

prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Version with markings to show changes made

The pending abstract was replaced with the following abstract:

Abstract

The present invention is directed to a [novel] targeted vaccine delivery system, comprising one or more MHC-peptide complexes linked to an antibody which is specific for a cell surface marker. The complexes of the invention are useful for treating and/or preventing cancer, infectious diseases, autoimmune diseases, and/or allergies.